

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PHILIP TODD MUNSINGER, #1013682	§	
VS.	§	CIVIL ACTION NO. 2:05cv100
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommended that the Court dismiss the petition because Petitioner has not exhausted his state court remedies as required.

Petitioner filed objections to the first Report and Recommendation, but these objections addressed the merits of his claims, not the exhaustion issue. The revised Report and Recommendation made no substantive changes but merely provided for the tolling of the statute of limitations for ninety days. Petitioner filed no objections to the revised Report and Recommendation because he was paroled and did not provide the Court with a forwarding address. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED** without

prejudice, and the statute of limitations is tolled for ninety days; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 14th day of February, 2006.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE